Senate File 24 - Introduced

SENATE FILE 24
BY BOLKCOM

A BILL FOR

- 1 An Act relating to Iowa national pollutant discharge
- 2 elimination system program signage and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 24

- 1 Section 1. <u>NEW SECTION</u>. **455B.189** Discharge point signs 2 penalty exceptions.
- 3 1. A person paying an annual permit fee for an Iowa national
- 4 pollutant discharge elimination system program permit listed
- 5 under section 455B.197, subsection 3, shall post or erect a
- 6 conspicuous and legible sign of not less than eighteen inches
- 7 by twenty-four inches at all points of discharge to surface
- 8 waters. The location of the sign on the property of the permit
- 9 holder shall be as close in proximity to the point of discharge
- 10 into the surface water as is reasonably possible while ensuring
- 11 the maximum visibility from the surface water and shore.
- 12 2. At a minimum, the sign shall include all of the
- 13 following:
- 14 a. A statement containing the words "Iowa state permitted
- 15 discharge point permit no. (insert permit number). For
- 16 information on this discharge you can contact: (insert contact
- 17 information)".
- 18 b. The Iowa national pollutant discharge elimination system
- 19 program permit number issued by the department.
- 20 c. The name and telephone number of the permit holder which
- 21 shall be the business office repository of the permit holder.
- 22 d. The internet address of an internet site sponsored by the
- 23 department where more information may be obtained.
- 3. A permit holder shall periodically and reasonably
- 25 maintain the sign to ensure that the sign is still legible,
- 26 visible, and factually correct. A good faith documented effort
- 27 by the permit holder to maintain the sign is an affirmative
- 28 defense in any action relating to the unauthorized absence of
- 29 a sign.
- 30 4. A person violating a provision of this section is subject
- 31 to a civil penalty of not more than one hundred dollars per day
- 32 for each day such violation continues.
- 33 5. The department may grant a waiver of the requirements of
- 34 this section if the department determines a security concern
- 35 may exist due to the posting of a sign under this section.

S.F. 24

- 1 6. This section shall not apply to a permit holder that is
- 2 an open feedlot operation as defined in section 459A.102 or an
- 3 animal feeding operation as defined in section 459.102.
- 4 Sec. 2. Section 455B.191, subsection 2, Code 2013, is
- 5 amended to read as follows:
- 6 2. Any person who violates any provision of part 1 of
- 7 division III of this chapter or any permit, rule, standard,
- 8 or order issued under part 1 of division III of this chapter
- 9 shall be subject to a civil penalty not to exceed five thousand
- 10 dollars for each day of such violation. This section shall not
- 11 apply to violations of section 455B.189.
- 12 EXPLANATION
- 13 This bill relates to Iowa national pollutant discharge
- 14 elimination system program signage.
- 15 The bill requires a person paying a permit fee for an
- 16 Iowa national pollutant discharge elimination system program
- 17 individual permit for nonstorm water to post or erect a
- 18 conspicuous and legible sign at all points of discharge to
- 19 surface waters. The bill provides size, content, and location
- 20 requirements for the signage.
- 21 The bill requires that a permit holder shall periodically
- 22 and reasonably maintain the sign to ensure that the sign is
- 23 still legible, visible, and factually correct. The bill
- 24 provides that a good faith documented effort by the permit
- 25 holder to maintain the sign is an affirmative defense in any
- 26 action relating to the unauthorized absence of a sign. The
- 27 bill allows the department to grant waivers. The bill provides
- 28 that the signage requirements do not apply to permit holders
- 29 that are an open feedlot operation or an animal feeding
- 30 operation.
- 31 The bill provides for a civil penalty of not more than \$100
- 32 per day for each day a violation continues. The penalty in the
- 33 bill is in place of the general penalty provisions provided in
- 34 Code section 455B.191.